IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 406 OF 2007

Abusheth Lsak Valele. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

Harshad Bhadbhade for the applicant.

Rajesh More, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 3rd October 2007.

P.C.:

. Heard leanred counsel for the applicant and learned A.P.P. for the State.

2. This revision application is directed against the order dated 7th August, 2007 passed in Criminal Appeal No.47/2006 by the Sessions Judge, Ratnagiri, whereby the order dated 21st November, 2006 passed by the learned Chief Judicial Magistrate, Ratnagiri in Regular Criminal Case No.174/2001 convicting the applicant under section 248(2) of Cr.P.C. for the offence punishable under section 406 of I.P.C. and sentencing him to suffer R.I. for six months and to pay fine of Rs.5,000/-, in default to suffer further R.I. for one month came to be confirmed.

3. I was taken through the evidence and the documents available on record. I was also taken through the reasons and findings recorded by both the Courts below. Both Courts below have recorded concurrent findings of fact that during the relevant the period the applicant- accused being the Chairman of the Fansavane Society was entrusted with the property of the society. He sold the fertilizers to the members of the society but not credited the amount to the society's account and used it for his personal benefit in violation of legal contract. The above finding is based on evidence. No fault can be found with the appreciation of evidence. No perversity either in appreciation of evidence or drawing inference from the facts on record could be pointed out.

4. This Court not being a Court of appeal cannot substitute its view in exercise of revisional jurisdiction. Revisional jurisdiction is not only limited in scope but also is discretionary. The Court interferes in the revisional jurisdiction only in exceptional cases of flagrant miscarriage of justice as held by Apex Court in the case of **State of Rajasthan v. Gurucharandas Chaddha, AIR 1979 SC 1895.**

5. Having examined the legal position, no fault

can be found either with the appreciation of evidence or with the view taken. The view taken by the Courts below is reasonable and possible view in the facts and circumstances of the case which can be supported on the basis of evidence on record. No case is made out to entertain this revision application.

6. In the result, revision application is dismissed in limine with no order as to costs.

JUDGE